

10250-#25010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Nobuyoshu Morimoto

Serial No. 09/613,339

Filed: July 10, 2000

For: **SYSTEM AND METHOD FOR
NEGOTIATING IMPROVED
TERMS FOR PRODUCTS AND
SERVICES BEING PURCHASED
THROUGH THE INTERNET**

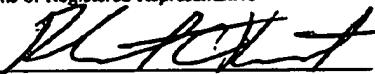
§ Group Art Unit: 3621
§
§ Examiner: Elisca, Pierre E.
§
§ Atty. Dkt. No.: 5596-00300
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§

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

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APPEAL BRIEF

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Sir/Madam:

Further to the Notice of Appeal filed January 31, 2005, Appellant presents this Appeal Brief. Appellant respectfully requests that the Board of Patent Appeals and Interferences consider this appeal.

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price before a predetermined amount of time expires. Nor does Andrews mention anything regarding purchasing the item as the better price and charging the purchaser a price between the particular price and the better price. As noted above, Treyz has nothing whatsoever to do with purchasing items over the Internet. Thus, no combination of Andrews and Treyz would teach or suggest this limitation of claim 44.

VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-44 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$250.00 (small entity) and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzl, P.C. Deposit Account No. 501505/5596-00300/RCK. This Appeal Brief is submitted with a return receipt postcard.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Appellants

Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8850

Date: March 31, 2005